

Docket No: 01946/100G527-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Gschneidner et al.

Serial No.: 10/750,138

Confirmation No.: 9762

Filed: December 31, 2003

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: **COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

DECLARATION OF DWIGHT B. PECK

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, DWIGHT B. PECK, hereby declare and state as follows:

I. I am employed as a docketing paralegal at Darby & Darby, P.C. and have performed the duties of such position since July 7, 1997. I make this declaration in support of the accompanying "Response to the Notice of Incomplete Reply" submitted in connection with the above-captioned application.

II. On September 23, 2004, in the course of my duties as a docketing paralegal at Darby & Darby, I prepared an Express Mail package to be submitted to Mail Stop Missing Parts of the U.S. Patent and Trademark Office (USPTO) before midnight of that same day. The contents of that Express Mail package included an abstract for that application.

Serial No. 10/750,138

Docket No. {W:\01946\100g527us2\00285415.DOC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 }

Declaration of Dwight B. Peck

accompanied the Response to File Corrected Application Papers. The postcard, which has been initialed by me and stamped with the same Express Mail Number as the Certificate of Express Mailing (*i.e.*, EV 367698065 US), indicates that an Abstract consisting of one (1) page was enclosed. In addition, the postcard has been returned by the mailroom of the USPTO, and has a PTO mailroom stamp indicating September 23, 2004. This copy is attached as Exhibit C and shows that the documents itemized on that postcard, including the abstract, was received on that date.

VII. Based on the upon the presence of the Certificate of Express Mailing that I signed and the return postcard (Exhibit A) that I initialed, it is my opinion and belief that the abstract consisting of one page was filed for this application on September 23, 2004 and, moreover, that the one page abstract was actually received by a representative of the USPTO.

VIII. I hereby declare that all statements made herein of my knowledge are true and that all statements made herein on information and belief are believed to be true. I understand that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or of any patent issuing therefrom.

Respectfully submitted,

Dated: 11/3/04


Dwight B. Peck

DARBY & DARBY, P.C.
Post Office Box 5257
New York, N.Y. 10150-5257
Phone (212) 527-7700